

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SNYDER'S-LANCE, INC., AS SUCCESSOR IN
INTEREST TO S-L DISTRIBUTION COMPANY,
LLC,

Third-Party Complainant,

V.

CHARLEAU DISTRIBUTION, LLC,

Third-Party Defendant.

1:20-cv-00879-JPW

MOTION TO DISMISS

Charleau Distribution, LLC (“Charleau”), per Federal Rule of Civil procedure 12(b)(6), moves to dismiss the third-party complaint filed by Snyder’s-Lance, Inc. *See* Doc. 64. As will be discussed in a brief to be filed per Local Civil Rule 7.5, Counts I and II – both of which seek indemnification from Charleau – violate the public policy underlying the Massachusetts Wage Act. Alternatively, (i) Count I should fail because the pertinent indemnification provision does not cover and is not triggered by the underlying wage rights lawsuit and (ii) Count II should fail because S-L has not alleged a contractual breach and because, absent the indemnification provision, S-L has no contractual right to recover attorney’s fees or costs from Charleau. Finally, Count III should fail because S-L’s unjust enrichment claim concerns contractual relationships grounded in the Distributor

Agreement and because the third-party complaint otherwise fails to state an unjust enrichment claim.

WHEREFORE, Charleau respectfully ask the Court to grant this motion and dismiss the third-party complaint.

Date: August 23, 2021

Respectfully,



Peter Winebrake
R. Andrew Santillo
Mark J. Gottesfeld
Michelle L. Tolodziecki
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
(215) 884-2491

Harold L. Lichten (*pro hac vice*)
Matthew Thomson (*pro hac vice*)
Zach Rubin, Esq. (*pro hac vice*)
Lichten & Liss-Riordan, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116
(617) 994-5800

Chad Hatmaker (*pro hac vice*)
J. Keith Coates (*pro hac vice*)
Woolf, McClane, Bright, Allen
& Carpenter, PLLC
Post Office Box 900
Knoxville, TN 37901
(865) 215-1000

For Plaintiff